

Nos. 2023-2424, 2024-1176

**United States Court of Appeals
for the Federal Circuit**

SEAGEN INC.,

Plaintiff-Appellee

v.

DAIICHI SANKYO COMPANY, LTD., ASTRAZENECA
PHARMACEUTICALS LP, ASTRAZENECA UK LTD.,

Defendants-Appellants

On Appeal from the United States District Court for the Eastern
District of Texas, No. 2:20-cv-00337-JRG, Hon. Rodney Gilstrap

**DEFENDANTS-APPELLANTS' UNOPPOSED MOTION FOR A
60-DAY EXTENSION OF TIME TO FILE THE PRINCIPAL
BRIEF**

Christopher N. Sipes
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December 22, 2023

Counsel for Defendants-Appellants

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT****CORRECTED CERTIFICATE OF INTEREST****Case Number** 2023-2424, 2024-1176**Short Case Caption** Seagen Inc. v. Daiichi Sankyo Company, Ltd.**Filing Party/Entity** Defendants-Appellants Daiichi Sankyo Company, Ltd., AstraZeneca Pharmaceuticals LP, AstraZeneca UK Ltd.**Instructions:**

1. Complete each section of the form and select none or N/A if appropriate.
2. Please enter only one item per box; attach additional pages as needed, and check the box to indicate such pages are attached.
3. In answering Sections 2 and 3, be specific as to which represented entities the answers apply; lack of specificity may result in non-compliance.
4. Please do not duplicate entries within Section 5.
5. Counsel must file an amended Certificate of Interest within seven days after any information on this form changes. Fed. Cir. R. 47.4(c).

I certify the following information and any attached sheets are accurate and complete to the best of my knowledge.

Date: 12/22/2023Signature: /s/ Christopher N. SipesName: Christopher N. Sipes

1. Represented Entities. Fed. Cir. R. 47.4(a)(1).	2. Real Party in Interest. Fed. Cir. R. 47.4(a)(2).	3. Parent Corporations and Stockholders. Fed. Cir. R. 47.4(a)(3).
Provide the full names of all entities represented by undersigned counsel in this case.	Provide the full names of all real parties in interest for the entities. Do not list the real parties if they are the same as the entities. <input checked="" type="checkbox"/> None/Not Applicable	Provide the full names of all parent corporations for the entities and all publicly held companies that own 10% or more stock in the entities. <input type="checkbox"/> None/Not Applicable
AstraZeneca Pharmaceuticals LP		AstraZeneca PLC
AstraZeneca UK Ltd.		AstraZeneca PLC
Daiichi Sankyo Company, Ltd.		See attached page.



Additional pages attached

4. Legal Representatives. List all law firms, partners, and associates that (a) appeared for the entities in the originating court or agency or (b) are expected to appear in this court for the entities. Do not include those who have already entered an appearance in this court. Fed. Cir. R. 47.4(a)(4).

☐ None/Not Applicable ☒ Additional pages attached

The Dacus Firm, PC	Mann, Tindel & Thompson	Paul Hastings LLP
Deron R. Dacus	Gregory Blake Thompson	Isaac S. Ashkenazi
Shannon Marie Dacus	James Mark Mann	Ariell Bratton

5. Related Cases. Other than the originating case(s) for this case, are there related or prior cases that meet the criteria under Fed. Cir. R. 47.5(a)?

☒ Yes (file separate notice; see below) ☐ No ☐ N/A (amicus/movant)

If yes, concurrently file a separate Notice of Related Case Information that complies with Fed. Cir. R. 47.5(b). **Please do not duplicate information.** This separate Notice must only be filed with the first Certificate of Interest or, subsequently, if information changes during the pendency of the appeal. Fed. Cir. R. 47.5(b).

6. Organizational Victims and Bankruptcy Cases. Provide any information required under Fed. R. App. P. 26.1(b) (organizational victims in criminal cases) and 26.1(c) (bankruptcy case debtors and trustees). Fed. Cir. R. 47.4(a)(6).

☒ None/Not Applicable ☐ Additional pages attached

Response to Question 3 (Continued):

Daiichi Sankyo Company, Ltd. has no parent corporations, and 10% or more of its stock is held by the Master Trust Bank of Japan Ltd. (trust account).

Response to Question 5 (Continued)

Kevin P. Broughel	Jeffrey A. Pade	Angela X. Gao
Alexandra J. Cho	Amanda L. Pober	Kevin D. Hoagland-Hanson
Michelle Marek Figueiredo	Preston K. Ratliff II	Andrew Hoffman
Michael J. Fisher	Garrett J. Schuman	Nicholas W. Jordan
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Lucas L. Kressel	Williams & Connolly LLP	Jennifer Parker Ainsworth
Ashley Mays-Williams	David I. Berl	Matthew T. Milam
Joseph M. O'Malley , Jr.	Jessamyn Berniker	
Kyotaro Ozawa	Thomas S. Fletcher	

Pursuant to Federal Circuit Rules 26(b) and 27, Defendants-Appellants Daiichi Sankyo Company, Ltd., AstraZeneca Pharmaceuticals LP, and AstraZeneca UK Ltd. respectfully move for a 60-day extension of time to file their principal brief, which is currently due on January 22, 2024. With the requested extension, Defendants-Appellants' principal brief would be due on March 22, 2024. This is Defendants-Appellants' first request for an extension in this matter and their first request for an extension relating to the principal brief.

There is good cause for the requested extension of time. First, this is an appeal from a lengthy, three-year district court proceeding involving complex antibody-drug-conjugate technologies. *See* Declaration of Christopher N. Sipes in Support of Defendants-Appellants' Unopposed Motion for a 60-Day Extension of Time to File the Principal Brief ¶ 2. Second, the principal brief needs to be coordinated and approved by three appellants, one of which—Daiichi Sankyo Company, Ltd.—is located overseas. Third, Defendants-Appellants' principal counsel in this appeal has intervening obligations through February 2024 that would make it difficult to complete the opening brief by the current deadline. *Id.* ¶ 3. In

light of the above, a 60-day extension is required for counsel to devote the necessary time to the preparation of Defendants-Appellants' principal brief. *Id.* ¶ 4. Accordingly, good cause exists for this request.

Counsel for Defendants-Appellants contacted Plaintiff-Appellee's counsel, who have indicated that Plaintiff-Appellee does not oppose this request and will not file a response.

For the foregoing reasons, Defendants-Appellants respectfully request that the Court extend the deadline for filing Defendants-Appellants' principal brief by 60 days to and including March 22, 2024.

Dated: December 22, 2023

/s/ Christopher N. Sipes

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Counsel for Defendants-Appellants

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DAIICHI SANKYO COMPANY, LTD., ASTRAZENECA
PHARMACEUTICALS LP, ASTRAZENECA UK LTD.,

Defendants-Appellants

On Appeal from the United States District Court for the Eastern
District of Texas, No. 2:20-cv-00337-JRG, Hon. Rodney Gilstrap

**DECLARATION OF CHRISTOPHER N. SIPES IN SUPPORT OF
DEFENDANTS-APPELLANTS' UNOPPOSED MOTION FOR A
60-DAY EXTENSION OF TIME TO FILE THE PRINCIPAL
BRIEF**

I, Christopher N. Sipes, declare as follows:

1. I am a partner at the law firm of Covington & Burling LLP and principal counsel of record for Defendants-Appellants Daiichi Sankyo Company, Ltd., AstraZeneca Pharmaceuticals LP, and AstraZeneca UK Ltd. The following facts are within my personal

knowledge, and if called to testify, I could and would testify competently to them. I submit this declaration in support of Defendants-Appellants' Unopposed Motion for a 60-Day Extension of Time to File the Principal Brief.

2. This appeal arises from a judgment of the United States District Court of the Eastern District of Texas holding, among other things, that U.S. Patent No. 10,808,039 is not invalid and infringed. The complaint was filed in the district court on October 19, 2020, a five-day jury trial was held in April 2022, and a bench trial was held in June 2022. An amended final judgment was issued on October 17, 2023. The record in the district court spans three years of litigation and amounts to more than 19,000 pages of documentation.

3. I have primary responsibility for Defendants-Appellants' principal brief in this matter, and I have commitments in other, previously engaged matters through February 2024. Among other things, I traveled across the United States the week of December 18, 2023, and I am traveling internationally in January 2024.

4. A 60-day extension of time will allow my colleagues and me the appropriate time to prepare a principal brief addressing the complex legal and technical issues presented in this appeal.

5. On December 13, 2023, pursuant to Federal Circuit Rule 27, my colleagues and I consulted with Plaintiff-Appellee's counsel to ask whether Seagen Inc. (a) objected to Defendants-Appellants' request for an extension of time, and (b) if so, whether Seagen Inc. expected to file a response to this motion. Counsel indicated on December 21, 2023, that it will not oppose Defendants-Appellants' request and that it will not file a response.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on December 22, 2023, in Washington, D.C.

/s/ Christopher N. Sipes
Christopher N. Sipes

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT****CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMITATIONS****Case Number:** 2023-2424, 2024-1176**Short Case Caption:** Seagen Inc. v. Daiichi Sankyo Company, Ltd.**Instructions:** When computing a word, line, or page count, you may exclude any items listed as exempted under Fed. R. App. P. 5(c), Fed. R. App. P. 21(d), Fed. R. App. P. 27(d)(2), Fed. R. App. P. 32(f), or Fed. Cir. R. 32(b)(2).

The foregoing filing complies with the relevant type-volume limitation of the Federal Rules of Appellate Procedure and Federal Circuit Rules because it meets one of the following:

- ☒ the filing has been prepared using a proportionally-spaced typeface and includes 265 words.
- ☐ the filing has been prepared using a monospaced typeface and includes _____ lines of text.
- ☐ the filing contains _____ pages / _____ words / _____ lines of text, which does not exceed the maximum authorized by this court's order (ECF No. _____).

Date: 12/22/2023Signature: /s/ Christopher N. SipesName: Christopher N. Sipes